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December 10, 2015

The Honorable Paul A. Crotty
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
500 Pearl Street, Chambers 1350
New York, NY 10007

VIA CM/ECF ONLY

Re: *Harry Gao, et al. v. JP Morgan Chase, et al.*
USDC for the Southern District of New York; Case No: 1:14-cv-4281 (PAC)

Dear Judge Crotty:

Pursuant to Your Honor's Individual Practices Rule #1(E), the Plaintiffs in the above-captioned matter write to respectfully request a sixty (60) day extension of the fact and expert discovery deadlines set forth in the Court's July 6, 2015 Scheduling Order [DE 34]. According to the current schedule, fact discovery must be completed by December 11, 2015 and expert discovery is to be completed by January 25, 2016. This is the first request for a discovery extension in this case. The reasons for Plaintiffs' request are threefold.

First, the last-minute timing of produced information, including the Defendants' "rolling" production of documents, has made it impossible for Plaintiffs to review, evaluate, and determine whether additional discovery is needed prior to the current deadline. On December 10, 2015, just one (1) day before the fact discovery deadline, the Defendants produced their fifth (5th) set of responsive documents, and have now produced over 2000 pages in the last week.

Second, the Defendants have withheld production of several categories of documents, which the Plaintiffs believe they are entitled pursuant to outstanding discovery requests. Despite

substantive negotiations, the parties have not been able to come to an agreement with regard to the production of these documents, which Plaintiffs believe are imperative to their case. As a result thereof, today the Plaintiffs provided this Court with a letter seeking intervention concerning this discovery dispute. If the Defendants are ordered to produce some or all of these documents, the Plaintiffs should be afforded an opportunity to review and analyze the documents before the end of fact discovery, so that they can propound additional discovery or take additional depositions concerning the information uncovered in the document production as needed. Further, some of the information and materials sought are necessary in order for an economic expert to analyze this case and provide a report. Accordingly, Plaintiffs are seeking an analogous extension of the expert discovery deadline in conjunction with the extension of the fact discovery deadlines, because expert opinions and analysis will to a large extent depend on the facts that are uncovered through fact discovery.

Third, this is a complex and document intensive class action litigation. The parties have made best efforts to streamline discovery needs as much as possible, but given the scope of the potential class, more information is still needed. The original case management schedule was entered in June, but no discovery was undertaken at first because of an agreement to potentially informally exchange information to work towards an early resolution of the case, and because of the need to amend the Complaint following the Court's Order. Since October, discovery has proceeded in earnest and much has been accomplished. This is the first request for an extension of discovery that has been made in this litigation. Therefore, a sixty (60) day extension of time is not only reasonable, but necessary to the fair adjudication of this matter.

Counsel for the Plaintiffs have communicated to counsel for the Defendants that additional time is needed to depose newly identified witnesses and obtain documents both

already sought and additional materials given what has been uncovered from the documents just recently produced. Nevertheless, the Defendants have refused to consent to this request and we anticipate they will oppose any extension of time.

A Proposed Revised Scheduling Order is attached hereto as Exhibit A.

Respectfully,



Kenneth J. Grunfeld
GOLOMB & HONIK, P.C.

KJG/ecm
cc: All Counsel of Record (via CM/ECF)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

HARRY GAO and ROBERTA SOCALL,)
on behalf of themselves and)
all others similarly situated,) Case No. 1:14-cv-04281-PAC
Plaintiffs,) JURY TRIAL DEMANDED
v.)
JPMORGAN CHASE & CO. and)
CHASE BANK USA, N.A.)
Defendants.)

PROPOSED REVISED SCHEDULING ORDER

1. All fact discovery shall be completed no later than 2/9/16.
2. All expert discovery shall be completed no later than: 3/25/2016.
3. All other deadlines set forth in the Court's 7/6/15 Scheduling Order shall remain unchanged.

**HONORABLE PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE**